

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

TRANSCANADA USA SERVICES, INC.,

Plaintiff,

v.

**Civil Action No. 2:19-cv-00896
Judge Berger**

**ZURICH AMERICAN INSURANCE COMPANY,
A foreign corporation; and
WESTCHESTER FIRE INSURANCE COMPANY,
A foreign corporation,**

Defendants.

NOTICE OF STIPULATION OF VOLUNTARY DISMISSAL

The Parties notify the Court that, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, they **STIPULATE** and **AGREE** as follows:

- a. Plaintiff TransCanada USA Services, Inc., agrees to voluntarily dismiss all claims asserted in Civil Action No. 2:19-cv-00896 against Defendants Zurich American Insurance Company and Westchester Insurance Company; and
- b. The Parties agree that TransCanada USA Services, Inc.'s voluntary dismissal of the above-referenced civil action shall be *without prejudice*.

Stipulated and agreed to this 4th day of June, 2020.

**TRANSCANADA USA SERVICES, INC.,
By Counsel**

/s/ Mychal S. Schulz

Mychal S. Schulz, Esq. (WVSB #6092)
Shannon L. Rutherford, Esq. (WVSB #13681)
Babst, Calland, Clements & Zomnir, P.C.
300 Summers St., Ste. 1000
Charleston, WV 25301
(681) 205-8888
(681) 205-8814 (fax)
mschulz@babstcalland.com
srutherford@babstcalland.com

**ZURICH AMERICAN INSURANCE COMPANY
By Counsel,**

/s/ John D. Hoblitzell, III

John D. Hoblitzell III, Esq. (WVSB #9346)
Erin J. Webb, Esq. (WVSB #10847)
Kay Casto & Chaney, PLLC
707 Virginia St. East, 15th Floor
Charleston, WV 25301
(304) 345-8900
(304) 345-8909 (fax)
jdhoblitzell@kaycasto.com
ewebb@kaycasto.com

**WESTCHESTER FIRE INSURANCE COMPANY
By Counsel,**

/s/ Matthew J. Perry

Matthew J. Perry, Esq. (WVSB # 8589)
Lamp, Bartram, Levy, Trautwein & Perry, PLLC
720 Fourth Avenue
P.O. Box 2488
Huntington, WV 25725
(304) 523-5400
(304) 523-5409 (fax)
mperry@720legal.com